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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Satoru Okamoto

SEL 273

9139

7590

05/07/2004

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EXAMINER

DUONG, THOI V

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,699

Applicant(s)

OKAMOTO ET AL.

Examiner

Thoi V Duong

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 16-33 ~~is/are~~ are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 16-33 ~~is/are~~ are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0204.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the Amendment filed February 06, 2004.

Accordingly, claims 1, 2 and 28 were amended, and claims 12-15 were cancelled. Currently, claims 1-11 and 16-33 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-11 and 16-33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 24 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Shibamoto et al. (USPN 6,346,973 B1).

Art Unit: 2871

As shown in Fig. 1, Shibamoto et al. discloses a portable electronic device comprising:

a liquid crystal device 21; and

an EL display device 2,

wherein the liquid crystal display panel device and the EL display device are attached to each other so as to allow opening and closing (col. 5, lines 46-50); and

wherein the EL display device displays an image (col. 5, lines 55-59).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Yamazaki et al. (USPN 6,570,584 B1) and Friend et al. (USPN 5,399,502).

As shown in Figs. 1 and 2, Shibamoto discloses a portable electronic device (cellular phone) comprising:

a first liquid crystal display device 21 for displaying an image; and

a second EL display device 31 comprising a touch input operation portion ,

wherein the first display device and the second display device are attached to each other in a longitudinal direction so as to allow opening and closing (col. 5, lines 46-50); and

wherein the second display device displays one of a character and a symbol (col. 4, lines 55-59).

Since this portable electronic device is a cellular phone, it is obvious that a cover member is to be provided.

Shibamoto et al. discloses a portable electronic device that is basically the same as that recited in claims 1, 2, 6 and 7 except for the liquid crystal display having a plurality of first pixels, and the EL display having a plurality of second pixels, each one of the plurality of pixels has a light emitting element.

Yamazaki et al. discloses a liquid crystal display device including a plurality of pixels arranged in matrix so as to realize image display of high definition (col. 1, lines 16-22).

Meanwhile, as shown in Fig. 3, Friend et al. discloses an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element 4 for producing a matrix-addressed display such as television and computer with a wide viewing angle and a high speed response (col. 12, lines 2-36).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the portable electronic device of Shibamoto et al. with the teachings of Yamazaki et al. and Friend et al. by forming liquid crystal display having a plurality of first pixels and an EL display having a plurality of second pixels, each one of the plurality of pixels has a light emitting element so as to realize image display of high definition and to produce a matrix-addressed display with a wide viewing angle and a high speed response.

Art Unit: 2871

7. Claims 8-11, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Yamazaki et al. (USPN 6,570,584 B1) and Friend et al. (USPN 5,399,502) as applied to claims 1, 2, 6 and 7 above and further in view of Mack II et al. (USPN 6,510,325 B1).

The portable electronic device of Shibamoto et al. as modified in view of Yamazaki et al. and Friend et al. above includes all that recited in claims 8-11, 21 and 22 except for an image pickup device and a system for identifying a user. As shown in Fig. 1A, Mack II et al. discloses a portable telephone comprising a speaker 4 and a microphone 3 (communication function), an image pickup device 7, and a system for identifying a thief in the event the portable telephone is stolen (col. 5, lines 2-27). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Shibamoto et al. with the teaching of Mack II et al. by forming an image pickup device and a system for identifying a user so as to provide for automatic user notification and avoid further theft of services (col. 5, lines 2-27).

8. Claims 3 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Yamazaki et al. (USPN 6,570,584 B1) and Friend et al. (USPN 5,399,502) as applied to claims 1, 2, 6 and 7 above and further in view of Lebby et al. (USPN 6,158,884) and Mack II et al. (USPN 6,510,325 B1).

The portable electronic device of Shibamoto et al. as modified in view of Yamazaki et al. and Friend et al. above includes all that is recited in claims 3 and 16-18

Art Unit: 2871

except for a third display device comprising an image pickup device and a system for identifying a user. As shown in Figs. 5 and 6, Lebby et al. discloses a portable electronic device comprising:

- a first display device 46;
- a second display device 44; and
- a third display device 42 provided between the first display device and the second display device,

wherein the third display device is one of a liquid crystal display device and an EL display device 27 shown in Fig. 1B (col. 5, lines 62-67).

Meanwhile, as shown in Fig. 1A, Mack II et al. discloses a portable telephone comprising an image pickup device 7, and a system for identifying a thief in the event the portable telephone is stolen (col. 5, lines 2-27).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Shibamoto et al. with the teaching of Lebby et al. and Mack II et al. by forming a third display device comprising an image pickup device and a system for identifying a user so as to provide for automatic user notification and avoid further theft of services (col. 5, lines 2-27).

9. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) in view of Yamazaki et al. and Friend et al. (USPN 5,399,502) as applied to claims 1, 2, 6 and 7 above and further in view of Crossland et al. (USPN 4,720,781).

The portable electronic device of Shibamoto et al. as modified in view of Yamazaki et al. and Friend et al. discloses all that is basically the same as that recited in claims 4 and 5 except for the first display device comprising a touch input operation portion. As shown in Fig. 1, Crossland et al. discloses a portable electronic device comprising a first liquid crystal display (LCD) device 2 and a second LCD device 3, wherein the first display device 2 comprises a touch input operational portion (col. 3, lines 12-16). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Shibamoto with the teaching of Crossland et al. by providing the first display device with a touch input operation portion to permit the manipulation of the contents of the display (see Abstract).

10. Claim 19 and 23 are rejected under 35 U.S.C. 102(b) being unpatentable by Shibamoto et al. (USPN 6,346,973 B1) in view of Washo (USPN 4,580,877) and Friend et al. (USPN 5,399,502).

As shown in Figs. 1 and 2, Shibamoto et al. discloses a portable electronic device comprising: a cover member comprising an EL display device 2 for displaying an image (col. 4, lines 55-61); and a liquid crystal display device 21,

wherein the liquid crystal display device 21 is made to display by irradiating light emitted from the EL display device 2 (col. 4, lines 61-63);

wherein the cover member and the reflection display device are attached to each other so as to allow opening and closing (col. 5, lines 46-50); and

wherein the portable electronic device is a cellular phone which performs a communication function (col. 4, lines 55-66).

However, Shibamoto et al. does not disclose that the liquid crystal device is a reflective display. As shown in Fig. 1, Washo discloses a combined display panel comprising a reflective liquid crystal display panel A and an EL panel B which has an electrode 10 of high reflection metal in order to direct the electroluminescence from the EL panel into the LCD panel (col. 2, lines 37-45).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Shibamoto et al. with the teaching of Washo by employing a reflective display so as to obtain uniform illumination (col. 1, lines 12-17).

Further, as shown in Fig. 3, Friend et al. discloses an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element 4 for producing a matrix-addressed display such as television and computer with a wide viewing angle and a high speed response (col. 12, lines 2-36).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the portable electronic device of Shibamoto et al. with the teaching of Friend et al. by forming an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element for producing a matrix-addressed display with a wide viewing angle and a high speed response (col. 12, lines 2-36).

Art Unit: 2871

11. Claim 20 is rejected under 35 U.S.C. 102(b) being unpatentable by Shibamoto et al. (USPN 6,346,973 B1) in view of Washo (USPN 4,580,877) and Friend et al. (USPN 5,399,502) as applied to claim 20 above and further in view of Crossland et al. (USPN 4,720,781).

The portable electronic device of Shibamoto et al. as modified in view of Washo (USPN 4,580,877) and Friend et al. discloses all that is basically the same as that recited in claim 20 except for the reflective display device comprising a touch input operation portion. As shown in Fig. 1, Crossland et al. discloses a portable electronic device comprising a first liquid crystal display (LCD) device 2 and a second LCD device 3, wherein the first display device 2 comprises a touch input operational portion (col. 3, lines 12-16). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Shibamoto with the teaching of Crossland et al. by providing the first display device with a touch input operation portion to permit the manipulation of the contents of the display (see Abstract).

12. Claim 25 is rejected under 35 U.S.C. 102(b) being unpatentable by Shibamoto et al. (USPN 6,346,973 B1) as applied to claim 24 above in view of Crossland et al. (USPN 4,720,781).

Shibamoto et al. discloses a portable electronic device that is basically the same as that recited in claim 25 except for the liquid crystal display device comprising a touch input operation portion. As shown in Fig. 1, Crossland et al. discloses a portable electronic device comprising a first liquid crystal display (LCD) device 2 and a second

Art Unit: 2871

LCD device 3, wherein the first display device 2 comprises a touch input operational portion (col. 3, lines 12-16). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Shibamoto with the teaching of Crossland et al. by providing the first display device with a touch input operation portion to permit the manipulation of the contents of the display (see Abstract).

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibamoto et al. (USPN 6,346,973 B1) as applied to claims 24 and 26 in view of Adair et al. (Pub. No. US 2002/0089589 A1).

The portable electronic device of Shibamoto et al. includes all that recited in claim 27 except for an image pickup device. As shown in Figs. 1 and 2, Adair et al. discloses a portable telephone comprising an image pickup device 10 (a camera module) which is configured to be of a minimum size and used with a video telephones (page 1, paragraph 2). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Shibamoto et al. with the teaching of Adair et al. by forming an image pickup device having minimal size and weight for the user to image selected targets (page 2, paragraph 17).

14. Claims 28 and 31 are rejected under 35 U.S.C. 102(e) as being unpatentable by Harris et al. (USPN 6,282,183 B1) in view of Shibamoto et al. (USPN 6,158,884) and Friend et al. (USPN 5,399,502).

As shown in Fig. 28, Harris et al. discloses a portable electronic device comprising (col. 23, lines 10-55):

Art Unit: 2871

a first display device 408;
a second display device 413; and
a third display device 409 provided between the first display device and the second display device,

wherein the first display device, the second display device, and the third display device are attached to each other in one location so as to allow opening and closing.

However, Harris et al. does not disclose that each of the first display device, the second display device, and the third display device is one of a liquid crystal display device and an EL display device.

Shibamoto et al. discloses in Fig. 1 a portable electronic device comprising:

a first liquid crystal display device 21 for displaying an image; and
a second EL display device 31 comprising a touch input operation portion.

Further, as shown in Fig. 3, Friend et al. discloses an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element 4 for producing a matrix-addressed display such as television and computer with a wide viewing angle and a high speed response (col. 12, lines 2-36).

Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the portable electronic device of Harris et al. with the teachings of Shibamoto et al. and Friend et al. by forming an EL display having a plurality of pixels, each one of the plurality of pixels has a light emitting element for producing a matrix-addressed display with a wide viewing angle and a high speed response (col. 12, lines 2-36).

Art Unit: 2871


15. Claims 29, 30, 32 and 33 are rejected under 35 U.S.C. 102(e) as being unpatentable by Harris et al. (USPN 6,282,183 B1) in view of Shibamoto et al. (USPN 6,158,884) and Friend et al. (USPN 5,399,502) as applied to claims 28 and 31 above and further in view of Mack II et al. (USPN 6,510,325 B1).

The portable electronic device of Harris et al. as modified in view of Shibamoto et al. and Friend et al. above includes all that recited in claims 29, 30, 32 and 33 except for an image pickup device and a system for identifying a user. As shown in Fig. 1A, Mack II et al. discloses a portable telephone comprising an image pickup device 7 and a system for identifying a thief in the event the portable telephone is stolen (col. 5, lines 2-27). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the device of Harris et al. with the teaching of Mack II et al. by forming an image pickup device and a system for identifying a user so as to provide for automatic user notification and avoid further theft of services (col. 5, lines 2-27).

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (571) 272-2293.

Thoi Duong
04/26/2004


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